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Hot Topic: Mandatory Electronic Filing of Statements of Disclosure

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November 3, 2007

MANDATORY ELECTRONIC FILING OF STATEMENTS OF DISCLOSURE

Josh Jones, Legal Consultant

With the passage of the Comprehensive Governmental Ethics Reform Act of 2006 (the act), all popularly elected local public officeholders and candidates for local public office must file a Statement of Disclosure of Interests (form #SS-8005) with the Tennessee Ethics Commission. Last year, mandatory disclosure was facilitated by mail-in forms that were posted to the commission's Web site. The effort was an overwhelming success statewide with only two of the more than 6,000 local officials failing to comply. Beginning in 2008, these filings must be completed via the commission's electronic filing process, available at <http://www.tennessee.gov/sos/tec/index.htm>.

The act requires the Tennessee Ethics Commission to create "an Internet-based electronic filing process for use by all persons that are required to electronically register or file statements and reports with the commission." T.C.A. § 3-6-115 (a)(1). Tennessee Ethics Commission Executive Director Bruce Androphy recently announced that this electronic filing protocol is in place and that an electronic filing mandate will go into effect in January 2008.

This electronic filing process is also required to provide each filer "secure access to the electronic registration and filing system" and "adequate safeguards to prevent unauthorized persons from inappropriately tampering with or changing the data" as well as "secure authentication safeguards." T.C.A. § 3-6-115 (a)(2). While the exact technical specifications have not been officially released, the electronic filing process is now in place and will be the sole medium for registering Statements of Disclosure with the commission.

The electronic registration system is set to begin accepting Statements of Disclosure on January 7, 2008. The deadline for current local officeholder filing is January 31, 2008. All local officeholders should receive notification from the commission before year's end. This notification will include the Web address of the electronic filing system, instructions for its use, and personalized authorization numbers for each registrant. This personalized authorization number will be requisite for filing.

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In addition to current local officeholders, candidates for local public office and newly appointed local officeholders must also file disclosure statements. Candidates must file within 30 days of the last day to register as a candidate for the office sought. Newly appointed officeholders to an elected position must file within 30 days of appointment. Persons in these two categories should notify the commission of their status and request a personalized authorization number to register.

If you have any questions regarding statements of disclosure of interests contact your MTAS management consultant or the Tennessee Ethics Commission.

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